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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,590	07/15/2003	Tomoko Ohtsuki	240394US-90 CONT	6881

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EXAMINER

KIM, PETER B

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/618,590	Applicant(s) OHTSUKI ET AL.	
	Examiner Peter B. Kim	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 106-118, 122-132, 136-144, 148-182, 184, 210 and 233-244 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 106-118, 122-132, 136-144, 148-182, 184, 210 and 233-244 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/831,345.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>82005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on Aug. 18, 2005 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 106-118, 122-125, 127-132, 136, 137, 139-144, 148, 149, 151-159, 161-165, 167-173, 179-182, 184, 233-238, 241 and 242 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohtsuki et al. (Ohtsuki) (WO99/46835).

Since U.S. Patent 6,590,698 corresponds to WO99/46835, the following reference numbers, columns and lines refer to the U.S. document.

Ohtsuki discloses a light source unit that generates light with a single wavelength, a light generating portion which generates a single wavelength laser light having wavelength 1.5

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micrometer (col. 6, lines 15-46); a fiber group made up of a plurality of optical fibers in parallel in a bundle fiber where optical amplification is performed by a fiber amplifier (col. 9, line 48 – col. 10, line 19); a light amount control unit which controls light amount emitted (col. 12, line 20 – col. 13, line 65); and a wavelength conversion portion which generates one of 8th harmonic and a 10th harmonic wave (col. 6, lines 15-46). Ohtsuki discloses wherein a mode field diameter at downstream before the light output is large (col. 17, line 65 – col. 18, line 6). Ohtsuki discloses Fabry-Perot etalon (col. 10, lines 6-19), a beam monitor mechanism and a control unit which performs wavelength calibration based on temperature dependence data, (col. 10, line 60 – col. 11, line 31). Ohtsuki also discloses a wavelength stabilizing method including measuring temperature dependence, performing an absolute wavelength calibration, setting the detection reference wavelength to the set wavelength and controlling a wavelength of the laser based on the detection result (col. 10, line 60 – col. 12, line 19). Ohtsuki discloses a polarization adjustment unit (col. 18, lines 27-49), and controlling a peak power of the pulse light (col. 17, line 65 – col. 18, line 6).

Claims 151-153, 158, 179, 239 and 240 are rejected under 35 U.S.C. 102(e) as being anticipated by Hagiwara (US 2001/0048083).

Hagiwara discloses a light source unit comprising a laser light source (1) which oscillates a laser beam, a beam monitor mechanism (31) including a Fabry-Perot etalon (para 0048) which monitors the optical properties of laser beam to maintain a center wavelength at a predetermined wavelength (para 0030), and a first control unit which performs calibration based on temperature dependence of reference wavelength (para 0059, 0060). Hagiwara also discloses an absolute

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wavelength close to the set wavelength (para 0056-64). Hagiwara also discloses feedback control (para 0008).

Claims 106, 119, 120 and 123 are rejected under 35 U.S.C. 102(b) as being anticipated by Owa (5,838,709).

Owa discloses in Fig. 1, and 7, a light source unit comprising a light generating portion (211) which generates light with a single wavelength (col. 7, lines 45-54), a fiber group (12) made up of a plurality of optical fibers, and a light amount control unit which controls light amount emitted from the optical fiber group by individually turning on/off light output from each optical fiber where different optical fibers group is turned on and off at the different times (col. 20, line 52 – col. 21, line 60). Owa also discloses the wavelength conversion portion (14), which converts light within the range of infrared to visible region to ultraviolet light which is a harmonic wave of the laser beam (col. 5, lines 45-60). Owa also discloses an optical modulator (65) which generates a pulse light having a predetermined frequency, and Owa discloses a delay portion which individually delays light output by setting some fiber output at a predetermined value and setting others at zero (Fig. 11-13).

Claims 106, 124-127, 136-139, 148-151, 159-162, 166, 174-178, 210, 243 and 244 are rejected under 35 U.S.C. 102(e) as being anticipated by Nishi (2003/0081192).

Nishi discloses a light source unit that generates light with a single wavelength, a light generating portion which generates a single wavelength laser light having wavelength 1.5 micrometer (para 0047); a fiber group made up of a plurality of optical fibers in parallel in a

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bundle fiber where optical amplification is performed by a fiber amplifier (para 0050-0054); a light amount control unit which controls light amount emitted (para 0062); and a wavelength conversion portion which generates one of 8th harmonic and a 10th harmonic wave (para 0055). Nishi discloses polarization adjustment unit (para 0096, 0108), and a light amplifying unit including phosphate glass and bismuth oxide glass doped with rare-earth element (para 0089).

Remarks

Upon reviewing the record, it does not seem that English translation of the foreign priority documents were filed. As stated in MPEP 706.02(b):

Perfecting a claim to priority under 35 U.S.C. 119(a)-(d) within the time period set in 37 CFR 1.55(a)(1) or filing a grantable petition under 37 CFR 1.55(c). See MPEP § 201.13. The foreign priority filing date must antedate the reference and be perfected. The filing date of the priority document is not perfected unless applicant has filed a certified priority document in the application (and an English language translation, if the document is not in English) (see 37 CFR 1.55(a)(3)) and the examiner has established that the priority document satisfies the enablement and description requirements of 35 U.S.C. 112, first paragraph;

Until the filing date of the priority documents are perfected the rejections are maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter B. Kim whose telephone number is (571) 272-2120. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Peter B. Kim", with a stylized flourish at the end.

Peter B. Kim
Primary Examiner
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December 11, 2005